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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

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NEW ANGLE PET PRODUCTS, INC. and
ONE BARSTOW PROPERTIES, INC.,

~~PROPOSED~~
FINAL JUDGMENT

Plaintiffs,

Case No. 10-CV-2700
(SJF) (ARL)

v.

ABSOLUTELYNEW, INC.,

Defendant.
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Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the Court grant's Plaintiffs' Motion for Default Judgment, and ORDERS AND ENTERS FINAL JUDGMENT as follows:

1. Defendant, AbsolutelyNew, Inc., and its principals, officers, agents, servants, employees, directors, affiliates, subsidiaries, their successors and assigns, and those persons under their control or acting in concert or participation with them, and others with actual knowledge of this Final Judgment, are hereby permanently enjoined and prohibited from making, using, importing, selling or offering to sell any products that infringe the claims of U.S. Patent No. 5,636,592, in the United States, for the remaining term of said patent.

2. Defendant, AbsolutelyNew, Inc., shall not make, use, import, sell or offer for sale the product known as the "Hydro-Handle," in the United States, for the remaining term of U.S. Patent No. 5,636,592, and shall destroy all such existing product

presently in their possession or control, and shall provide a verified report to this Court all efforts to comply with this injunction within sixty (60) days of entry of this Judgment.

3. Plaintiffs shall recover of Defendant on the claim of patent infringement, pursuant to 35 U.S.C. §284, the sum of sixty thousand (\$60,000) Dollars, and such damages are hereby enhanced in accordance with 35 U.S.C. §284 for a total award of one hundred eighty thousand (\$180,000) Dollars.

4. Plaintiffs shall recover its reasonable attorneys' fees pursuant to 35 U.S.C. §285, ~~this Court reserving jurisdiction for the purpose of determining the amount of such fees and costs to be assessed in this action under a bill of costs.~~ ⁱⁿ ~~\$7100⁰⁰~~

5. Plaintiffs shall recover pre-judgment interest on the award of damages and reasonable attorneys' fees.

6. This Court shall retain jurisdiction to enforce the terms of the injunction entered herein.

SO ORDERED: 


Sandra J. Feuerstein
United States District Judge

CERTIFICATE OF SERVICE

I, Robert E. Wechsler, hereby certify that on March 25, 2011, I served copies of the foregoing cover letter, Notice of Motion for Default Judgment, Declarations of Robert E. Wechsler, Lawrence I. Wechsler, and Theodore M. Newman, in support of said motion, Plaintiffs' Memorandum of Law, and [Proposed] Final Judgment, by mailing copies of same by U.S.P.S. Priority Mail to:

Anthony R. Flores, Esq.
AbsolutelyNew, Inc.
650 Townsend Street, Suite 475
San Francisco, CA 94103

Dated: March 25, 2011



Robert E. Wechsler